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development of interior transport. The only passable roads in the Republic run from Aux Cayes in the south to the capital, and from Cap Haitien in the north to the capital. Transport and communications simply symbolize the power that Port-au-Prince wields, since the same circumstances characterize all national institutional arrangements. Thus Haiti is an extreme example of urban domination, even though its urban population is a fraction of the national total. The consequence has been to keep most of the rural folk cut off from the apparatus that effects national decisions and shapes national policy. Haiti's national legislature, never important in limiting presidential power, is less so today than ever; at best, it had only represented the interests of provincial towns as opposed to the capital, and never the interests of the mass of country people.

The local military and judiciary officials possess the formal authority vested in them by the state, and their power is very considerable. Few local people would dare challenge their decisions, and the devices for appeal against arbitrary exercise of authority are few. Admittedly, at the lowest local level the *chef de section*—who is traditionally appointed by the captain of the military in the *commune* center and is himself a yeoman—is subject to some genuine restraint by local inhabitants. Jean Comhaire-Sylvain (1955:620–24) has argued convincingly that the people of a community are capable of insisting on democratic procedure in those matters requiring decision that come to the attention of local authority. But such decisions have little or nothing to do with larger issues. The yeomanry cannot directly make its wishes felt in national politics; and national politics are conducted almost without reference to the aspirations of the rural masses. It is precisely in the separateness of local life from the mainstream of national decision-making that the political impotence of the yeomanry is demonstrated.

Haiti's agrarian nature cannot be expressed simply by saying it is a rural and yeoman country. Haiti does not have a "land problem," as that phrase is conventionally applied to Latin America. It does, it is true, suffer from land shortage, inasmuch as too little land is worked at too low a level of productivity and must feed too many mouths. But a very substantial proportion of the rural masses owns land, or has regular access to it. It is true that most land is held in small plots and without clear title. But those persons who own no land or who lack land to work are proportionally fewer than in any other Carib-

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at least a generation behind them, but rather their complete lack of any experience in self-rule. The author continues:

> In addition to the vanity of the black which was flattered by the distribution of principalities and duchies, there was the political thought which wished to fortify things by words. The most important sugar manufactories were distributed, with the property title, to the principal officers and civil agents of the government. Workers were allotted to these very much as were the Indians to the first Spanish conquerors. . . . Moreover, since African blood dominated in the North [that is, since there were few mulattoes and lighter-skinned people], the feudal lords, aided by the color of their skin, could enforce obedience to a yoke which in name only was modified [from slavery].[13]

The social organization of Christophe's kingdom, then, was one of large properties, with all the feudalistic trappings, resting upon a solid base of wage-earning serfdom. In contrast to medieval feudalism, the king was here much more than *primus inter pares*. Thanks to the policy of Dessalines, most land had come into state ownership, so that the nobility received their estates by royal favor, and held them as leases only so long as the King pleased. As in the Middle Ages, the noblemen were petty monarchs within the district granted to their jurisdiction. Their freedom of action, however, was even here subject to scrutiny: detachments of Royal Dahomeys[14] were stationed in every cantonment or parish, to enforce discipline, keep the King informed, and find their own subsistence without a drain on the royal treasury. In every district was set up a court of *maréchaussée* to see that justice obtained.[15] The King's law, not the nobleman's private code, prevailed in the whole country.[16]

13. R. Lepelletier de Saint-Remy, *Saint-Domingue* (Paris, 1846), II, 167–168.

14. Organized after the model of the police force existing in France before 1789.

15. These courts were composed of a royally appointed seneschal and his assistant, a king's procurer, and a clerk.

16. The Code Henry was promulgated on January 30, 1812. It consisted of seven parts: Civil, Commercial, Shipping and Maritime, Civil Process, Criminal and Police Process, Agricultural, and Military. In general the Code followed French precedent, but the section on Agriculture was Christophe's own. Sir James Barker (in his *History of the Island of St. Domingo* [London, 1818], p. 413) calls this part "a thing unexampled among other nations." It reveals not only the King's absorption in the main economic enterprise of his state, but also his skill in devising an integrated functioning of a social order of nobility and serfs with a plantation economy based on money crops. This Agricultural Law regulated such diverse matters as the reciprocal duties of proprietors and cultivators, the policing of plantations, and the culture and preparation of the major crops. It set forth industry as the parent of virtue, and idleness as the source of vice.

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to command the forced labor of serfs, had to develop a new technique for securing manual labor. Legislation soon recognized the new state of affairs by enactments which kept distinct *la grande culture* and *la petite culture*. The former had to do with the production of sugar and coffee, from which the republic derived its wealth; the latter with small farming. *La petite culture* was simple cultivation of whatever the small owner wished to raise. Large-scale culture, on the other hand, became rather complicated.

Owners of great estates had to guide them only their experience of slave days and of serfdom under Toussaint and Dessalines. Now that both were gone, few planters were wealthy enough to pay wages for day labor; a new variation was needed. It was forthcoming in the *métayer* system—a crop-sharing arrangement with tenants closely resembling that which prevails today in some parts of the United States. The owner leased his estate in large or small plots to tenants. Half the income went to the landlord and half to the tenant; but the landlord must furnish the sugar mill and other necessary machinery where cane was raised. Laws were passed to give a measure of security to the proprietor. The contract between him and the tenant (*fermier*)[26] must be signed before a civil official; the engagement must extend through the harvesting of one crop; tenants even then might not abandon their contracts except after notice of three months, with a declaration to the local official.

Punishments were stipulated for the breaking of contracts. A tenant who had made an agreement and then abandoned the habitation, even for a visit elsewhere, without a certificate attesting his regularity, might be imprisoned for eight days the first time, a month the second, and three months the third, such imprisonment to be spent in hard labor on public works. Any disputes arising between plantation owners and tenants were to be taken before the local justice. If they threatened to develop into serious cases, the justice was to notify the commandant of the nearest important town. A person who fomented disturbance of such agreements (the Haitian equivalent of "labor agitators," style 1810) might be imprisoned for a year, as also his accomplices. Commandants of each arrondissement must put down disorder as soon as requested by landlords, tenant farmers, or overseers. They must likewise make frequent patrols of

26. The word "fermier" must not be translated simply as "farmer"; the idea of a contract and a rental fee is implicit in the French word.

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their districts, principally during the working hours of the day. They were held responsible for all consequences of their own negligence.

This whole flow of legislation was designed primarily for the protection of the great landed proprietors, yet there were other laws which aided the masses. In former days workers had been coerced through corporal punishment. This was by law now abolished. Temporary assignments of garden plots were required for each family of laborers; medical care must be provided at the expense of the planter; the aged and infirm must be guaranteed the right to keep their homes and gardens even though no longer able to work. Expectant mothers in the fourth month of pregnancy must be relieved of field work, with no limitation of their right to share in the estate's income; mothers of nursing children must be permitted to remain at home until the weaning of their infants.

A great concession to the workers was made by abolishing the office of "inspector of cultures." In the days of Toussaint and Dessalines each district of the country had had its inspector, whose duty it was to see that crop cultivation proceeded according to schedule.[26] This man's disapproval of conditions resulted in fines and personal chastisement. By abolishing the office Pétion effected a great saving in salaries, for there had been thousands of these inspectors; on the other hand, the watchfulness of the inspectors had kept agricultural production at a high level. With no officials to dog the footsteps of the workers, crops immediately fell off.

Pétion clearly expected la grande culture to be the prevailing mode of agriculture in the republic. He fostered all kinds of legislation regulating it, even aside from that already mentioned. For example, a complete schedule was prepared for the division of income of the estate.[27] But the entire system was too neatly worked out and artificial to be effective, particularly since it was not backed up with force. The threat of punishment removed, most workers began gradually, often deliberately, to sabotage the system. It was much more pleasant

27. Christophe followed his predecessors in keeping the district inspectors.

28. This could be very complicated. A tenant farmer might hire workers, and so have to share his half of the income with them. In such cases, the division of the money crops was to be made in kind or in money, at current prices, in the presence of the local justice, his assessors, and an officer of the *gendarmerie*. The workers' "fourth" was divided into portions of which three went to the first foreman, two to each of the skilled workers, one and a half to each male or female worker, and one half to each child laborer between ten and fourteen years of age.

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[1804-1843]

A cultivator who loafs on his assigned job shall spend twenty-four hours in jail for his first offense and lose his wages; for a second offense he must work on public projects. Field labor shall be regularly carried on from Monday morning until Friday evening, except for legal holidays; work begins at dawn, continues except for a half-hour at breakfast until noon, stops then for two hours, and is once more resumed until sunset. Pregnant females are to be assigned to light work only, and after the fourth month of pregnancy need do no field work. Four months after delivery, a mother is to return to field work, but with three hours a day less than before, until she has weaned her child. Disobedience and insult to overseers are punishable by imprisonment. Since Saturdays, Sundays, and holidays are free, there is to be no dancing or any other festivity by night or day from Monday through Friday.

On each estate is to be a hierarchy of directors, all of whom the workers shall obey. In ascending order, these men are drivers (or squad foremen),[40] jobbers, sublessees, lessees, proprietors and managers, overseers of districts, and police.

In establishing a system of remuneration Boyer kept the accustomed method of allotting a proportion of the marketed crop to the workers in lieu of hourly or daily wages. In any season from a quarter to a half of the gross receipts of the estates was to go to the laborers, the exact proportion in any year to be determined by the government. It was assumed by Boyer and Inginac that there would be an added inducement to work if the laborers' share were distributed not equally, but rather in proportion to the merit and worth of the individual, these evaluations to be made by the recommendation of overseers.

Enforcement of the Code was placed in the hands of local justices and the army. Soldiers were to be assigned to each plantation, receiving their living from it, in return preserving order and routine. Although the whip was once more prohibited, steady labor might still be enforced by other means; the law definitely stated that soldiers were to discipline the lazy, the lawless, and the vagrant. Local justices were to deal with any civil difficulties arising in the execution

40. The word "driver" was commonly used in West Indian slave colonies with no other meaning than that attached to the word when one speaks of a man "driving" his horses. It is not necessary to beat a horse to make it go properly; a word of direction may suffice.

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of contracts. It is worthy of note that soldiers assigned to estates were responsible for their actions not to any civil authority but only to their military superiors.

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On paper, at least, the Code meant for the worker a return to the serfdom instituted by Toussaint and continued by his black successors.[41] Boyer's new system was richer in detail than Christophe's, but it clearly owed much to that monarch's practical scheme. There is a vital difference, however: serfdom under the Negro rulers worked because discipline was enforced; Boyer's effort to reintroduce it was an abject failure.

Many commentators have praised the Code as able and intelligent. Since the effort to revive familiar practice did not succeed, it is important to understand the reasons for failure of an almost perfect paper plan; one similar to the system which had functioned in all Haiti from 1798 to 1806, and in northern Haiti until 1820.

To begin with—and this was in great measure its final downfall—the workers simply ignored it. When Toussaint had first introduced serfdom, many Negroes quietly moved up into remote hills where they would be out of sight; a good number had remained away from surveillance, raising children who cherished their own independence of action. The influence of this group gradually spread. Moreover, for nineteen years in the South, ever since Pétion had first become president, the masses had had increasing experience of economic freedom. There is no doubt that the majority of the people preferred a low standard of living with liberty to great national prosperity depending on personal compulsion. Northern "cultivators" had known force and efficiency under Christophe, but they, too, preferred their five-year experience of easygoing life in reunited Haiti. Such complete, antagonistic inertia toward the law made its enforcement impossible. Individual cases of sabotage might be dealt with, but not wholesale refusal of the group to sign contracts.

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Aside from this, too much land had already been given away throughout at least half the country to make possible a fair and efficient functioning of the Code. Any forced-labor system would have had to depend on large plantations. Since Pétion had divided

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41. R. Lepelletier de Saint-Remy, "La République d'Haïti: ses dernières révolutions; sa situation actuelle," *Revue des Deux Mondes*, XV, No. 4 (Nov., 1845), p. 15, called it "*l'infeodation à la glèbe*," which it certainly was. The whole Code was designed to prevent any further parceling of the land and any further lapse into idleness on the part of the workers.

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by persuasion, to do as much work as possible for his and their own interests. In a few cases the success of such efforts was tolerably good; but one worker disposed to be sullen or idle, or even not physically strong, might throw the whole scheme into disorder. One's own profits would be cut by the misdeeds of others even when one had himself been industrious. This caused a decline of incentive, sometimes among a whole group of potentially good workers, because one or two of the number shirked. Probably the most patent evil of such arrangements was that every laborer realized that he did not suffer as directly for idleness or neglect as when working for himself; his fellow workers shared the consequences of his misconduct in some degree, and his employer in a still greater measure. The driving force of individual responsibility was removed.

Boyer and Inginac, foreseeing just such disorder, had tried to provide against it in the Code Rural by giving summary powers to local judges to inflict penalties upon lazy or malingering workers. Quite aside, however, from the loss of time and the inconvenience to both parties in going constantly to a judge for his decision, the proprietor was afraid to act on this principle to any extent, since if he did so he might lose his laborers altogether.

It was a rare proprietor, then, who could hope to make much of a fortune out of his plantation. More and more the landowners, having subdivided their fields, grew lax in overseeing them. The workers, freed from constant supervision, accustomed by long habit to living in one hut, and unconsciously developing a mentality which made them feel, as did American squatters on frontier lands, that they had a right to the land they tilled, imperceptibly developed into peasants. The state's remaining properties, no longer under cultivation, were invaded by families of small farmers, and the government took no steps to oust them or send them back to privately owned plantations. The estates of individual aristocrats underwent the same fate if not carefully watched. Theoretically, it was the duty of the army to drive out squatters, to force laborers back into "proper" agricultural work; but the army consisted of peasant youths who would not turn against people of their own group.

Legal irregularity was gradually sanctioned by the passage of time, usage being a stronger guarantor of rights than unenforced laws on the statute books.

Haitian peasantry, to sum up, began as the unplanned, undesired

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"empire" tottered to economic ruin. Graft, default on the debt, increasing deficits, and debased currency were the order of the day, and so continued until 1859, when the accumulation of anger over the useless wars and the humiliating defeats made the Emperor so unpopular that a new and more carefully planned revolution accomplished his downfall.

Fifteen years of administration by Negro rulers had broken the political power of the colored élite. Only three light-skinned men became president thereafter until the occupation of Haiti by the American Marines in 1915; in the seventy-two years following Boyer's downfall, mulattoes ruled during only eight. The army under a black general was too powerful, a colored president too hampered by suspicion, to make the political game worth the candle. The colored élite, therefore, adapted themselves to existing conditions as best they could, controlling the business life of Haiti, filling the law offices and, because of their literacy, the secretaryships of state, and indulging in honorific cultural pursuits.

In the years after Soulouque the basic realities of Haitian life were changed hardly at all by shifting political administrations. Some of the presidents were mildly progressive, many were indifferent; still more were actually harmful; but the lives of the mass of peasants were not often touched by presidential vagaries. Politics was an affair almost wholly of townspeople, of the army, the élite, and the pseudo-élite. Revolutions, counterrevolutions, movements of reform, international tangles, financial woes, and most of the other complications to which unstable states are heir, absorbed the attention of rulers and upper-class folk who were politically inclined.

Constitutions were made by presidents and changed by their successors; the Senate passed contradictory laws in the same session if the chief executive so recommended; the courts were presided over by the president's men. Haitian law in the latter half of the nineteenth century was what the president's immediate strength and wish made it—or else it was folk custom, undisturbed by the rulers.

Never once, in the three quarters of a century after Boyer's time, did Haiti approach the high standard of production known in colonial days or in the early years of independence. The pattern of Haitian social and economic life became fixed in this seventy-five years. Haiti became a country of small-scale tillage by a peasant population, with only enough external trade to provide moderate

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175 642 643 Since he was president for twenty-five years (normal ones, as things go in Haiti), it is worth while to examine the functioning of the kind of government the upper class favored.

175 642 643 692 President Boyer's education and outlook were wholly French. He had formed his views of government principally upon French models, yet when he became head of state he could not forget his own military career. He said repeatedly that he wished to supersede the military by the civil power, but somehow never got around to it. The country was full of black generals, and it would have been difficult to retire them, primarily because they were black. He established courts to insure the rights of man, but since his newborn judiciary lacked the prestige to command respect, interpretation of the law came from the President—until before long he was himself the law. With a logic characteristic of the French, he tried to make the whole administration of the country orderly and tidy by codifying laws, laying out spheres of governmental departments, and properly ticketing matters in general. He had to be the sole judge of the intention and operation of statutes, however, and if necessary modify the nature of an act to suit his view of the public need. His honest and generally upright character perhaps made his enormous prerogatives conducive to the public good; but Boyer was a dictator in spite of his Senate, since when he found a law working badly he simply turned it from its normal course and gave it a quite contrary effect.

[646] [661] As the years of his long rule proceeded, he took more power to himself. When his Senate would not pass bills as he proposed them, he waited until they adjourned and then either neglected to execute their laws, or instructed the government printing office to change the wording. He clearly regarded the legislature as a necessary nuisance, to be kept as a sop to the élite and to preserve the appearance of republicanism before the world. Representatives from the various communes were recommended by the President, his nomination amounting almost always to election.[5]

800 Boyer was overthrown by the Revolution of 1843, by all odds the

[643] 5. The task of governing the whole island was obviously heavier than governing a fraction of it, so Boyer may have felt justified in his departures from strict constitutionality. He was always an indefatigable worker, whose intentions were uniformly laudable. He tried to rule alone, as had his illustrious predecessors. The hitch came because he was not of their calibre. He was worthy, virtuous—and mediocre. He would probably have made an excellent mayor of a French provincial town.

3. The unimportance of the legislature. It
232 has made THE HAITIAN PEOPLE useful patron

646 age for the president to dispense, and has preserved the semblance of
642 republican government; but hardly half a dozen legislative sessions in all Haitian history have contributed seminal ideas in politics or initiated true reforms. How could they, indeed, when the president was consistently a dictator of policy?

666 4. The undemocratic nature of the vote. Senators are chosen by
642 the representatives, and the two groups together have generally elected the president, when he did not come to power by revolution. The only chance people have had to vote has been for local officials and representatives. In these cases, the vote has been limited to the élite and the army, with the president's henchmen counting the ballots. Since the Occupation there have been plebiscites on constitutional changes, the people having the right to vote Yes or No.

692 5. The subservience of the courts to the president. They have been
643 filled with president's men, generally astute enough to consult presi-
642 dential wishes before handing down a decision. Foreign merchants soon learned that they could expect little "justice" from the courts if their own cause conflicted with special Haitian interests. Foreign diplomats likewise learned that in crises the courts could involve the simplest issue in such verbal complexity that months of patience would be necessary to unwind the red tape.

641 6. The pliability of "constitutional rights." Freedom of speech and
661 of the press has been notably lacking, although scurrilous attacks on the administration's enemies have often been permitted. Legislators
642 have been expelled. Graft has flourished. In 1833, for example, two representatives were expelled from the House "for systematically opposing the measures of the executive, and persisting in a demand for a statement of public expenditures." A century later a senator was expelled for almost the same reasons.

701 7. Militarism. Only in this respect is any real change apparent since
178 the American Occupation. The army was always large up to 1915, and so constituted an economic drain as well as a political menace.
642 Generals had great power: they ruled each department and each
669 arrondissement, were subject only to the president, and were at the bottom of every revolutionary movement.[22] Since the Occupation

[162] [701] 22. In 1842, when the population was still less than a million, there were in the district governments 9 generals, 63 colonels, 48 lieutenant colonels, 9 captains, 1 lieutenant, and 28 medical officers; and in the standing army 33 colonels, 95 lieutenant colonels, 825 captains, 654 lieutenants, 577 sublieutenants and ensigns, 6,815 noncommissioned officers, and 25 medical officers. The army had 28,000 soldiers and cost about $600,000 a year. See John Candler, *Brief Notices of Hayti*, pp. 86 ff.

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631 [361] Overlapping these military arrondissements have been financial arrondissements, generally six in number. The capital of each of these was a port, with a customs house: Port-au-Prince and Jacmel in the West, Les Cayes and Jérémie in the South, Cap-Haïtien in the North, and Gonaïves in the Artibonite.

Finally there were the five *départements*. These seem never to have been much more than geographical divisions to which it was convenient occasionally to refer. In more recent years, as records have been kept with more accuracy, the departments have developed important clerical significance.

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Département	*Capital*	*Estimated Population (1930)*
North	Cap-Haïtien	450,000
Northwest	Port-de-Paix	150,000
Artibonite	Gonaïves	475,000
West	Port-au-Prince	950,000
South	Les Cayes	650,000

According to the present constitution, the country still has its five administrative departments, but has increased its other political subdivisions. There are 27 arrondissements to attend to governmental details, and in addition, 10 prefectures overlapping the arrondissements and serving as units of police control. The arrondissements are still further subdivided into 94 communes, 43 military posts, and 551 rural sections. Each commune is administered by a communal magistrate, appointed by the secretary of the interior, and so subordinate to the central government. This magistrate is assisted by a communal council or a municipal council, composed of elected prominent citizens.[2]

692 693 Courts have existed only in the important towns, which since Boyer's presidency have varied in number from four to eight. Each of these courts has consisted of a president or *doyen*, four judges, four substitute judges, a commissioner appointed by the president of the republic to keep watch over the proceedings of the body, and various inferior clerks and secretaries. Judges are politically appointed, either by the president of the republic or by his cabinet. Civil cases which exceed fifty dollars in extent have been handled by these courts, as also all appeals from decisions of local juges de paix. To the judges were added in 1826 juries to assist in criminal cases

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2. See Luc Dorsinville, *Géographie-Atlas* (Port-au-Prince, 1929), *passim*.

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priations of supplies to the branches of government; the Senate did not initiate legislation. In so far as the Senate checked the president, this check consisted in the body's being in permanent session. A vacation might be voted, but even during this period a resident committee was in the capital, so that attention to presidential actions might always be called by a senator's speeches; and the Senate could reconvene suddenly at will.

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The Chamber of Representatives, composed of men of twenty-five and over, was chosen every five years by the "electoral colleges" of the communes—men elected by the leading citizens of the commune. No law is effective "whose draft has not been proposed by the executive, discussed and adopted by the representatives, and decreed by the Senate." It might seem that the phrase, "discussed and adopted by the representatives," would give much power to a Chamber in office for five years; actually the Chamber has rarely proved obstinate, and for good reason. At the expiration of the term of the legislators, the president convokes the communal assemblies to choose new deputies or to reëlect old ones; the army "keeps order" at the election, the Electoral College is hand-picked, and so the president's men have generally been chosen. Their pay has been two hundred dollars a month during the sitting, and a dollar a league for traveling expenses.

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Pétion's constitution of 1816 evolved a masterpiece of deceptive generosity in stating that there should be "universal suffrage—except for women, criminals, idiots, and menials—by ballot." Although the group of criminals and idiots might be small, women were more than half the population, and "menials" was interpreted to mean not only house servants but also peasants; in other words, there was "universal suffrage" of about three per cent of the population at the outside. The élite and the army were the only potential voters. Since the elections were held under the watchful eye of the soldiers, and the ballots counted by presidential appointees, there was often extraordinary unity of public opinion.

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The judicial branch of the national government, as distinct from the juge de paix of the commune and the courts in the important towns, existed in part only on paper. There was generally a provision in the constitution, for example, for a High Court of Justice, which should have jurisdiction in all charges preferred by the legislative bodies against their own members, against the president of the re-

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692 public, or against any of the secretaries of state or other important officials; but if this court was ever convoked, records of its actions are lacking.[8]

The most important actually functioning court was that of Cassation. In American terminology this would be called the Court of Appeals, reviewing cases coming up from the civil and criminal courts of the important towns. It sat at Port-au-Prince, and consisted of fourteen judges appointed by the president and his cabinet.

[177] Boyer had borrowed most of the forms of important Haitian courts from France, but he could not transfer to his country the spirit and tradition which made those courts function in France. The High Court of Justice remained a mere plan; the national Court of Cassation and the so-called department courts in the four to eight large towns operated under close presidential scrutiny; only the juges de paix, dealing with small and homely cases, had comparative freedom.

175 695 693 It was generally acknowledged throughout the nineteenth century that Haitian judges, whether of the Court of Cassation or of the department courts, could be influenced by pecuniary and political considerations. The odds were heavy in favor of any suitor who was liberal in his bribes to the judges; "justice" could be bought, and 175 693 was. By French tradition of justice, the prisoner was assumed to be guilty until he was proved innocent. In Haiti he was bullied, cajoled, and cross-questioned in order to force a confession, and to make him state in open court what he was said to have admitted in his preliminary examination. Confessions were obtained by beatings, and prisoners were occasionally even tortured to death.

175 695 Another characteristic of the nineteenth-century courts—and not in Haiti alone—was the tardiness of their procedure. Consider the civil case in one of the department courts. If a creditor instituted a suit against a debtor in one department and obtained a favorable verdict, the defendant was permitted to appeal from the sentence to the court of an adjoining department, and so on in succession throughout the whole series; if the last court confirmed the judgment of the first, the defendant could then move it into the Court of

[692] 8. This Supreme Court would, according to the constitution, be formed only by proclamation of the Senate (and therefore under the ultimate control of the president), and might not hold its sessions in a spot more than twelve leagues from the seat of the Senate. Consisting of fifteen judges to be chosen by lot from the tribunals of the five Haitian departments, a two-thirds majority would be necessary for conviction, and no appeal might be made from its decisions.

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Saturday to use their time cultivating the soil, pursuing some mechanical craft, or acting as day laborers.

It must be once more emphasized that the civil was everywhere subservient to the military power. The administration of justice in tribunals was carried out only at the pleasure of the army chiefs. No person would have dared bring suit against a high officer; the only efficacious way of obtaining justice against petty offenders was through summary decision and corporal chastisement by the commanding officer.

By the close of Boyer's rule, during which he had kept the army up to its full numbers while pursuing a policy of economy, the outward appearance of the troops was almost ludicrous. They appeared at review wearing generally what pleased them or what they could scrape together, for they had to supply their own clothing and arms. The only effectual employment of the soldiery was as armed police, for Haiti never had to fight external powers. The soldiers drummed and fifed, mustered on parade and went through the formations, but otherwise merely stood (or sat) sentry at the doors of public offices, hunted up at the command of the magistrates *les mauvais sujets*, guarded prisons and prisoners on chain-gang duty, loitered at barriers, collected tolls, and examined permits.

A large army, practically idle, could easily be seduced into the support of revolutionary movements. Principles of discipline and loyalty current in European armies of the day were nonexistent in nineteenth-century Haiti. The numbers in the army varied from twenty to forty or fifty thousand. A strange estimate was made for the year 1867: 6,500 general officers and staff; 7,000 regimental officers; and only 6,500 soldiers.[15] It was said that "*tout Haïtien qui n'était pas général de division était au moins soldat.*" The higher grades became rewards for political service; the lower ranks had to be filled up by recruiting parties—when these were abroad, all men who did not desire a period of enforced leisure away from home remained in hiding.

While the army was not alone responsible for the tragedies of insurrection and mismanagement which consistently befell the country, it was never uninvolved in these misfortunes. Only the radical reforms undertaken by the American Occupation saved modern Haiti from continued military domination.

15. Sir Spenser St. John, *Hayti, or the Black Republic*, p. 310.